

Mike -

1/4/80  
rcd 1/7/80

Don't believe NHT is proper forum for  
discussing this problem -

I concur with your Dec 31  
letter to Greene -

Believe any ~~type~~ action on our part  
would be to threaten (+ undertake if  
necessary) control of oil at  
~~state~~ state intl as we  
did with Diamond Head + forward any  
violation to CG for civil penalty  
+ collection of funds -

Full

P.S. - attached indicates source is  
unknown --- please advise on what to do

510400



1/7/80

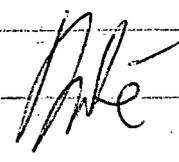
Fred-

As per your 1/4/80 memo, since you wish to take

direct action, I have prepared legal notice to appropriate

State personnel, for your review. These include:

- J. English, Commission N.J. D.E.D.
- J. Degnan, Attorney General, State of New Jersey
- b. Biens, Governor, State of New Jersey
- T. Germino, ~~Pres~~ Deputy Attorney General.



U. S. ENVIRONMENTAL PROTECTION AGENCY  
LEGAL NOTICE TO FACILITY OWNER

From Fred Rubel, Chief Emergency Response + Haz. Mat. Inspection Unit U.S. E.P.A. Edison, N.J.	Name of Facility  Additional Addressees Land- adjacent to Diamond Head Oil, at the site of construction of Hwy 200 in the Town of Kearney, identified as site 135A, 3D, 135 and 136 on attached map.
To Secretary of State State of New Jersey STATE HOUSE Trenton, New Jersey	

The United States, acting through the U. S. Environmental Protection Agency, hereby notifies the owners of the land- adjacent to Diamond Head Oil at the site of construction of Hwy 200 in the Town of Kearney, identified as site 135A, 3D, 135 and 136 on the attached map, through the oil leaching of pollution situation created by oil leaching from the land on \_\_\_\_\_, with discharges of oil in harmful quantities.

The United States hereby requests that the State of New Jersey immediately report to the U. S. Environmental Protection Agency, Region II, Edison, New Jersey, as to the immediate steps so far taken and the immediate steps taken to contain, cleanup, and abate the oil pollution situation.

Upon failure to remove the oil from the waters of the United States and from the adjoining shorelines immediately, the State of New Jersey are hereby notified that the Regional Administrator, pursuant to the provisions of the FWPCA, as amended, will arrange to remove the oil and that the United States shall proceed to hold the owners liable for all costs and expenses incurred and for all other damages caused the United States.

If subject denies responsibility for the oil discharge, it is respectfully requested that this office be advised immediately of the basis for such denial.

For the Regional Administrator, USEPA Fred Rubel	Address
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- cc. B. Biras - Governor - State of N.J.
- J. Degnan - Attorney General - State of New Jersey
- S. English - Commissioner, Dept. of E.P.
- T. Germaine - Deputy Attorney General

*Do not get addressed.*